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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,952	12/21/2000	Lieve Maria Marcella Rosemarijn Bos	Q62246	6288

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SUGHRUE, MION, ZINN, MACPEAK &
SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,952

Applicant(s)

BOS ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-3, 5-8 and 10-17 are once again presented for examination while claims 4, 9 and 18 were canceled.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/04/05 has been entered.

2. The drawings are objected to because:

- (a) It is recommended to label as Figure 1.

- (b) A suitable meaningful legend (not ambiguous acronyms or abbreviations) is recommended for inadequately labeled drawings. Thus, the applicant is advised to change "PED", "APP", "RET", "MEM", "T1", "T2", "VNE", "HN", "HNE", "INE", "SPE", "SP", "VN", etc. to their appropriate meaning. See M.P.E.P 608.02 and 37 C.F.R 1.84(o). Correction is required.

3. Applicants are required to submit a proposed drawing correction in response to this Office Action. However, the formal drawings of the correction of the noted defect can be deferred until the application is allowed by the examiner. Moreover, the applicant is reminded of the provisions of M.P.E.P 608.02(r) regarding separate letter of the draftsman.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a method for determining a processing environment for a communication network comprises the

steps of: a) retrieving ..., and b) appointing must be shown on the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. Claims 1-3, 5-8 are 10-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 1, it is unclear what kind of environment determining device.

What does applicant mean by "environment"? It is unclear what kind of an appointing device. What does applicant mean by "appoint device"? What

does the applicant mean by "a processing environment to execute a predefined service"? What exactly does the applicant mean by environment here? How can an environment execute a service? What kind of service is it? Who or What predefined the service and based on what? It is unclear what those first and second elements for the telecommunication network are?

- b) In claims 2-6, they contain similar problems as in claim 1 for the use of unclear term as indicated in claim 1.
- c) In claim 7, it is not understood at all what the first and second applicant signals and first and second predefined terminal applicant open signals are. It is not understood how processing capability information of open signals to be forwarded to a device.
- d) In claim 8, it is not understood at all what the first and second applicant signals and first and second predefined terminal applicant open services are. It is not understood how processing capability information of open service architecture signals to be forwarded to a device.
- e) As to claims 10-17 contain similar problems as in claims 1-3 and 5-8 above.

6. It is requested that a future correspondence from applicants have line numbering for the recitation of claims, if possible, as this will aid in the future correspondence from the examiner.

7. The rejections are respectfully maintained and repeated herewith with some modification as set forth in the last office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Itao et al. (T. Itao and M. Matsuo, DANSE: Dynamically Adaptive Networking Service Environment, published in The Bridge to Global Integration, IEEE, Volume 2, Nov 1998, Pages 785-791), hereinafter referred to as Itao.

In regards to claims 1, 10 and 11, Itao discloses a processing environment determining device for inclusion in a telecommunication network, characterized in that said processing environment determining device comprises:

A first retriever (one of the users) that retrieves at least one processing capability information associated with a first and second elements (one of network resources such as hardware or software, service provides of Fig. 1) for said telecommunication network (a service logic provided is shown in a sub-network in Figure 1), Wherein said first retriever retrieves said processing capability information from a first capability server associated with said first element, and retrieves processing capability information from a second capability server associated with said second element, said processing capability information retrieved via a technology independent signaling (WWW of page 786).

An appointing device coupled to said first retriever to appoint, for a predefined service between said first and second elements for a predefined client, where said appoint device determines said processing element according to predefined rules and conditions, and according to processing capability information, one or more out of said terminal, said network element and said service provider equipment, and to determine a processing environment to be used to execute said predefined service (page 786, section 3 DANSE Overview, provides information on a Coordinator, which users information sent from various resources to match a user with a proper environment based on the user requirements)

In regards to claims 2 and 12, Itao discloses the processing environment determining device according to claim 1 (see claim1 discussion above), wherein said predefined rules and conditions comprise at least one of:

- User requirements (e.g., see “user requirements” of Figures 1) and user preferences of a user that uses said element.
- Operator requirements and operator preferences of an operator that exploits said network element.
- Service provider requirements.
- Service provider preferences of a service provider that operates said service provider equipment coupled to the telecommunication network.

(Page 786, Section 3 lists several sources of information, including receiving user requirements, operator requirements for the system from the service provider, and

preferences from the service provider as to the user matching rules and registration information).

In regards to claims 3 and 13, Itao discloses the processing environment determining device according to claim 1 (see claim 1 discussion above), wherein said processing environment determining device comprises a second retriever retrieving any one of user requirements, user preferences, operator preferences, server provider requirements, service provider preferences from any one of said terminal, said network elements and said service provider equipment in order to update said predefined rules and conditions accordingly (Figures 2 and 2on pages 876 and 787respectively show the service environment, including multiple receiving means on the DANSE system for receiving information from various sources, such as service providers).

In regards to claims 5 and 14, Itao discloses the processing environment determining device according to claim 1 (see claim 1 discussion above), wherein said processing environment determining device comprises any one of a terminal, a home network of said telecommunication network, a visit network of said communication network an intermediate network of the communication network or a service provider equipment, a sub-network being any one of a home network, a visited network and an intermediate network of said telecommunication network and a service provider equipment (Figure 1 on page 786 shows a user terminal communicating with the DANSE network, which includes service provider equipment).

In regards to claims 6 and 15, Itao discloses the processing environment determining device according to claim 1 (see claim 1 discussion above), wherein said first retriever retrieves processing capability information associated with any one of a User Service Identity Module of said terminal and a terminal equipment of said terminal (the user sends the user requirements to the receiver, which includes information related to the terminal equipment the user is utilizing, page 786 section 3.1).

In regards to claims 7 and 16, Itao discloses a terminal capability server of a terminal to be used in a telecommunication network, said terminal capability server translating first application signals into first predefined terminal application open signals and translating second predefined terminal application open signals into second application signals, wherein said first predefined terminal application open signals and said second predefined terminal application open signals comprise processing capability information to be forwarded to a processing capability environment determining device according to claim 1 (see claim 1 discussion above for limitations of the claim, section 3.1 on page 786 shows that the DANSE server receives information from the user, the first open signals, as well as information from the service provider, the second open signals, which are both used to comprise the process environment determining device, see also figure 1).

In regards to claims 8 and 17, Itao discloses a network service capability server of a sub-network of a telecommunication network, said network service capability server translating first application signals into first predefined network application open service architecture signals and translating second predefined network application open service architecture signals into second application signals, wherein said first predefined network application open server architecture signals and said second predefined network application open service architecture signals comprise processing capability information in order to be forwarded to a processing environment determining device according to claim 1 (see claim 1 discussion above for limitations of the claim, section 3.1 on page 786 shows that the DANSE server receives information from the user, the first open signals, as well as information from the service provider, the second open signals, which are both used to comprise the process environment determining device, see also figure 1).

Response to Arguments

Applicant's arguments filed xx have been fully considered but they are not deemed to be persuasive. In the remark, applicants argued that:

- a) DANSE fails to teach or suggest a processing environment determining device that retrieves processing capability information from network elements to processing environment between the network elements according to predefined rules, conditions and the retrieved processing capability.
- b) DANSE does not teach or suggest determining a processing environment for a service to be set up between elements based on predefined rules, conditions and the respective

- c) DANSE does not teach or suggest the creation of a processing environment based on the processing capabilities of network elements with a predefined service there between.

In reply to arguments a) and b) above, to the best broadly interpretation by the examiner, Itao clearly discloses a processing environment determining device (DANSE) for retrieving information from network elements (one of network resources such as hardware or software, service provides of Fig. 1) according to predefined rules (user requirements), conditions (situations) (see the abstract, Fig. 1, section 3.2).

In reply to arguments c) and d) above, to the best broadly interpretation by the examiner, Itao discloses on page 786 DANSE that outlines the various parts of the system, including the two above mentioned servers. The claimed transmission signals, however, are not defined in the claim as anything but signals carrying capability information from various parts of the system to the individual servers. As is well known in the art, and as stated in the DANSE outline, each server receives information signals and processes the information. Though not named similarly as the terminal application open signals and application open signals, each server in the DANSE system receives information signals containing capability information, which teaches the limitations of the claim.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

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A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

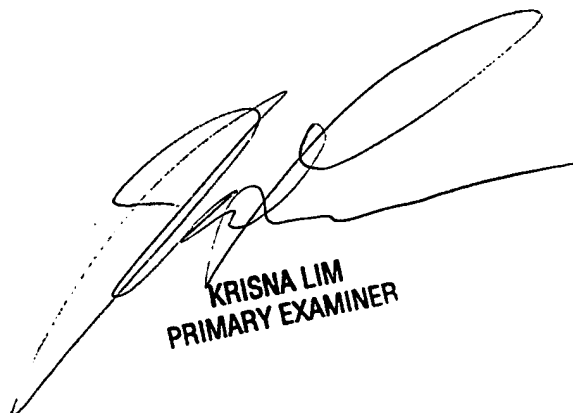
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

May 20, 2005



KRISNA LIM
PRIMARY EXAMINER